

The Nebraska PROFESSIONAL

Nebraska Board of Engineers and Architects Newsletter

SEPTEMBER 2009

Board emphasizes enforcement and education in strategic plan

By Albert Hamersky, AIA
NBEA Chairman



The Nebraska Board of Engineers and Architects held its annual strategic planning retreat on May 28, 2009. Several issues were discussed for incorporation into the Strategic Plan for 2009-2010. The major issues included: allied professions and the support of these, enforcement of the law, Coordinating Professional, incidental practice, code officials and long-term planning for 2011-2015.

Because some of these issues required additional research, I appointed several committees to continue this work. Specifically, the four new committees are: Allied Board Committee, Practice Committee, Legislative Committee and Interior Design Committee. Each committee was given a charge and specific tasks to accomplish before the regular board meeting on September 18, 2009.

- The Allied Board Committee was asked to develop the position of the board regarding administration of other allied professions.
- The Practice Committee was charged with clarifying the role of the Coordinating Professional as well as addressing unlicensed practice and incidental practice.

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- The Legislative Committee was asked to develop recommendations regarding statute changes, if necessary.
- The Interior Design Committee was asked to draft a board position concerning the certification of Interior Designers and their relationship to the Board.

In addition, the Design Build and Alternative Delivery Systems Committee and the Engineering Education Committee will continue their work.

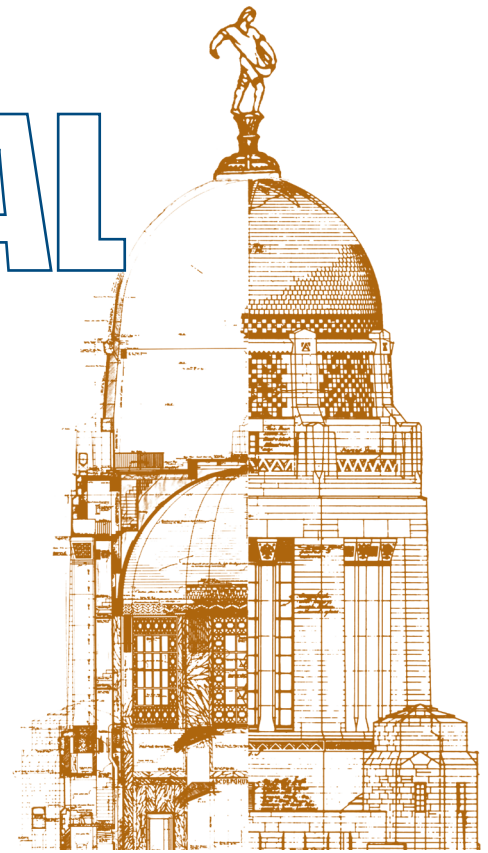
Board Vision

The Board vision relates to the basic stated purpose of the Engineers and Architects Act in all aspects which are the protection of health, safety and welfare of the public.

With that in mind, the Board has placed more emphasis on enforcement of the Act as well as on public information about the Act. Specially qualified staff such as a Compliance Officer and Public Information Officer have been added over the past several years to deal with these issues.

The Board puts a priority on the fact that licensed professionals must be highly qualified as engineers or architects through education, experience and examination. The Board is determined that the public recognize that these licensed professionals will protect their health, safety and welfare. Therefore the requirement for continuing education is mandatory.

The Board's vision implies and recognizes the future of the fast changing delivery of professional services. It is developing and researching issues which may effect future licensing. Such issues and ideas as borderless practice, globalization, outsourcing practice, design/build, integrated practice are all part or will become part of the vision.



Earn continuing education credits at Oct. 22 program

The Nebraska Board of Engineers and Architects will host a continuing education event for licensees and interns on Thursday, October 22nd at the Strategic Air and Space Museum in Ashland from 8:30 a.m. to 4:30 p.m.

National speakers from Seattle, Atlanta, and Iowa will present the program entitled "Who's In Charge of Your Integrated Project?"

The cost is \$30, which includes 6.5 hours of continuing education credit, breakfast, lunch, and a guided tour of the museum.

The seminar will focus on the challenges of alternative delivery systems for building projects. Topics include the ethical problems and concerns with using technology and delivery systems in exploratory design projects, who has "responsible control" in Integrated Project Delivery Systems, and legal responsibilities. Of particular interest to interns will be a discussion on ethics and internship – supervision, responsibility, technology issues, and exam cheating. Please encourage your interns to attend.

Preregistration is required. Online registration is now available on our website (www.ea.state.ne.us).

Board Members

Albert Hamersky - Chair, Architect Member, Lincoln
Fred Choobineh - Vice Chair, Engineer Member, Lincoln
Krista Kester - Secretary, Public Member, Lincoln
Mark Champion - Architect Member, Lincoln
Michael Conzett - Engineer Member, Ralston
Roger Helgoth - Engineer Member, Omaha
Thomas Laging - Architect Member, Lincoln
Dale Sall - Engineer Member, Holdrege

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Lincoln Community Foundation Building • 215 Centennial Mall South Suite 400 • Lincoln, NE 68508

P.O. Box 95165 • Lincoln, NE 68509

Phone: 402.471.2021 • Fax: 402.471.0787 • Email: nbea.office@nebraska.gov • www.ea.state.ne.us

Board's mission to protect the public health, safety and welfare

By Melinda Pearson, FAIA
Executive Director

Whenever I am making a presentation on behalf of the Nebraska Board of Engineers and Architects, I always start by clarifying who we are and what our mission is.

Who we are: The Board is made up of four engineers, three architects and one public member. The professions provide the expertise on the Board so that decisions are made by people who know what is going on in the built environment, all public members advocate for the public.

What our mission is: The mission of the Board is to "protect the public health, safety and welfare" by enforcing the laws that not only govern the practice of engineering and architecture but also have a significant impact on the building industry.

The Board's mission does not include advocating for the professions of engineering and architecture. This is an important distinction, and one that we must often remind ourselves. In the Winter 2009 newsletter, we floated a few proposed changes by our licensees. We received many excellent responses, via phone calls, letters, and emails, not to mention cc's and bc's of a host of other emails. While most of your comments were right on, there were some "urban legends" that need to be clarified.

Clarifying the role of the Coordinating Professional

One greatly misunderstood issue came to light after the last issue of the newsletter, and that was regarding the role of the Coordinating Professional. The Coordinating Professional has always been, and will always be, required to be a licensed professional engineer or architect. This is a requirement the Board firmly stands behind and enforces. It is a false urban legend that a builder, or electrical contractor, or any other unlicensed professional can fill the role of the Coordinating Professional.

The requirement of designating a Coordinating Professional has been in the E&A Act since 1997 but is little known and often misunderstood. Seeking to clarify this role, this issue features:

- An article from Charles Nelson, providing background on the genesis of the requirement;

- Our renewed efforts to educate the industry on this requirement; and
- An overview on how documents must be sealed to conform with Nebraska law.

Stepping up enforcement

The most common theme in your comments was for the Board to not weaken the Engineer and Architect Act in any way and to step up enforcement. Our proposals were not intended to weaken the law, and we are continually seeking ways to strengthen the E & A Act. We are, in fact, stepping up enforcement, with details explained in this issue.

Drafting legislative updates

The Board has designated a Legislative Committee tasked with reviewing the current Engineers & Architects Regulation Act and crafting up-

dated language to be introduced during the 2011 legislative session. We have already identified sections of the statute language that are out-of-date with current practices, along with a number of areas in which we are seeking to strengthen the rules and law.

An advisory group is being assembled to assist the Board with these updates, so please let us know if you are interested in joining this group. We will be meeting several times during 2010 to address the types of issues mentioned above.

Protecting safety, health and welfare

All these efforts relate directly to our mission to protect the safety, health and welfare of the public. We encourage you to keep your ideas coming our way. We look forward to hearing from you and we value your input.

Why is there a Coordinating Professional requirement?

By Charles Nelson
Former NBEA Executive Director (1991-2005)

It was the mid-1990s. A hotel renovation in central Nebraska employed three or four professional engineers of varying disciplines, but with no architect, and with no apparent communication among the team. The Board of Engineers and Architects, just then in the process of working with the Legislature to rewrite the 60-year-old law regulating the professions in the public interest, had received a complaint about the haplessness of the design effort. It was clear that the old law was deficient in provision for comprehensive design, particularly the integration of technology that had developed in the years since the original statutes were drafted.

The Board believed that coordination should be required among professionals engaged on a project but that it should not be intrusive on the prerogatives of the engineers and architects involved. Nor did the Board seek to establish a hierarchy among the professions. Long-established fallacies about the depth and breadth of professional knowledge by architects and engineers were to be disregarded in the realization that either were capable of asking an astute question of the other. So the statute language ended up stating that the Coordinating Professional may be either a licensed Professional

Engineer or an Architect, but may not be from outside the professions or the design team.

The Coordinating Professional is not to be a "hired gun" from outside the design team. The objective is to unify the effort from within, not to burden the project owner with an additional fee for a disinterested outside coordinator.

The seal of the Coordinating Professional is to be applied to the contract documents, but denoted for coordination only. Under no circumstance is it to connote design qualification outside the practice for which the professional is licensed by the Board. It does not signify responsible charge for engineering or architecture work. The Coordinating Professional is to also be considered the liaison between the design team, the project owner, and regulatory agencies.

Lack of a Coordinating Professional on projects involving more than one architect or engineer is a violation of Nebraska Statute Section § 81-3437 by each of the design team members and could jeopardize their licensure to practice within the state.

The State of Nebraska does not condone uncoordinated design of simple or complex construction projects for public use. It is the responsibility of design professionals to assure that their work meets those expectations.

Use and requirements of the professional seal

Seals have been used as early as the fourth millennium BC in ancient Mesopotamia as instruments to authenticate documents. They have evolved from simple impressions in beeswax or resin to today's electronic seals drawn with computer-aided drafting software.

The Engineers and Architects Regulation Act requires each licensed professional engineer and architect authorized to practice in Nebraska to obtain a seal. The purpose of applying the seal and signature on documents is to certify that the work has been done by that licensee or under the licensee's control.

The seal may be a rubber stamp or may be generated electronically. Whenever the seal is applied, the licensee's written signature and the date shall be across the seal. The signature and date should not obscure the name or license number. No further words or wording are required.

The Act specifies that the seal, signature and date must be placed on:

- All technical submissions and calculations whenever presented to a client or any public or governmental agency, and;
- All originals, copies, tracings, or other reproducible drawings and the first and last pages of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with the Act.

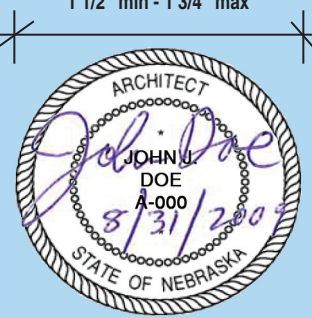


The 2007 Rule and Regulation update added Rule 6.1.7, which states that documents clearly marked as "draft" do not require a seal.

Architects and professional engineers newly licensed in Nebraska receive a seal letter that shows the approved design along with the statutory requirements. All seals should look exactly like those in this article.

One of the most common seal violations is engineers not having the discipline of licensure specified on their seal. Twelve years after the statute was changed, many seals still use "Registered Professional Engineer."

When electronic documents are placed on the internet, the seals must be protected with an electronic revision approval system. That system should be designed so that, if any changes are made to the original electronic document, the signature will disappear or be invalidated.

The intent of the revision approval protection is to protect the licensee from unauthorized use of his or her seal. However it is noted that there are few affordable revision systems available today. If an electronic document does not have an electronic revision approval system, a note should be placed in the location of the missing seal stating those conditions (see example below).

<p>Typical Seal Architects:</p> <p>1 1/2" min - 1 3/4" max</p> 	<p>Typical Seal Engineers:</p> 	<p>Electronic documents without an electronic revision approval system:</p> <p>This document was originally issued and sealed by Jane J. Doe, E-000, on 8/31/2009. This media should not be considered a certified document.</p>	<p>Seal of Coordinating Professional:</p>  <p>I, Jane Doe, am the Coordinating Professional on the [name of project] project.</p>
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Coordinating Professional seal required on all projects with multiple professionals

The E & A Act states that "the Coordinating Professional shall apply his or her seal and signature and the date to the cover sheet of all documents and denote the seal as that of the Coordinating Professional" in N.R.S. § 81-3437 (g). The Coordinating Professional "coordinates, as qualified, the various professional disciplines involved in a project," per N.R.S. § 81-3408.

The appropriate seal of the coordinating professional is shown above.

The Board will be increasing enforcement of the statutory requirement to have a coordinating professional on jobs that require them. Over the next few months, if the Board is made aware of a project that requires a coordinating professional but they are not identified on drawings, specifications, and other documents submitted to local building/permitting departments, an initial warning letter will be sent to the licensees involved.

Additional violations will be followed by a \$100 fine, increasing to a \$500 fine for the further offenses, with potential license probation for habitual offenders.

In addition, the Executive Director and Compliance Officer will be increasing their visits over the next few months to building officials and construction sites across the state to provide education about and enforce the coordinating professional requirement in the Act.

Candidates disciplined for exposing ARE content

This spring, the NCARB Board of Directors took action against eight candidates for violating the ARE Confidentiality Agreement and disclosing exam information. Even though none of the applicants were from Nebraska, the Nebraska Board of Engineers and Architects takes this issue very seriously. All candidates should be aware of the risks associated with committing such a violation.

The ARE is designed to measure minimum competency of knowledge, skills and ability architects must possess in order to safely practice architecture independently. The disclosure of content tested by the ARE diminishes the reliability and defensibility of the exam and ultimately undermines the integrity of the process. If someone passes the ARE because they were exposed to exam content prior to take the test, they could become licensed even if they are not competent. This could endanger the health, safety, and welfare of the public.

NCARB has produced a fact sheet (www.ncarb.org/newsclips/2009/apr09_6.html)

outlining what constitutes disclosure of exam content, as well as what is considered cheating and what it means to break the Confidentiality Agreement. All ARE candidates should read this information.

Discipline imposed on the eight candidates this spring includes suspension of testing privileges (between one and five years) as well as cancelled exam scores for some of the candidates. The disciplinary action also becomes part of their permanent NCARB record, and can be reviewed by any future jurisdiction where the candidate is seeking licensure.

ARE cost to increase

The National Council of Architectural Registration Boards (NCARB) will increase the fees for the Architect Registration Examination® (ARE®) by \$40 per division to the new rate of \$210 per division effective October 1, 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates.

Capitol ceremony for new licensees

A ceremony to honor new licensees will be held on Thursday, Nov. 19 at the State Capitol. The event will be held in the Warner Chamber on the second floor from 1:00 p.m. to 3:00 p.m. Nebraska Lieutenant Governor Rick Sheehy will host the event.

A reception at the Ferguson House will immediately follow the ceremony. The Ferguson House is located one half block southeast of the Capitol at 700 South 16th Street, between G and H Streets.

All new licensees and their guests are invited to attend both events. Current licensees are also encouraged to attend the ceremony and reception. Please RSVP to jenni.gross@nebraska.gov or call Jenni at 471-2021.

Updated Board Policies

P08.04 - Reimbursement for Rosters/Mailing Lists

When a mailing list of licensees is requested in writing, the information will be provided for \$25.00 for simple mailing lists and \$50.00 or more for time spent on more complex requests including limited or expanded lists. Lists requested by partner agencies within the State or professional organizations will be furnished free of charge. Email addresses are not part of the public record.

P09.01 - Structural Equivalency Reviews

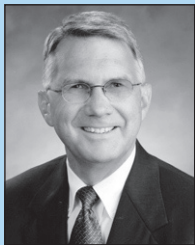
Each structural engineer who serves as an Evaluator for the Structural Engineer by Equivalency license application process will be available for a \$50.00 stipend and credit for 2 Continuing Education Units for each application they complete a timely review of and make a recommendation to the Board.

For the complete list of official Board Policies, go to our website and look under the "E&A Statutes & Regulations" section.

NBEA meetings go paperless

The Nebraska Board of Engineers and Architects (NBEA) is in the process of holding paperless board meetings. The NBEA started working toward the paperless system at their June meeting and will phase out printed materials over the next few months.

Nebraska Board of Engineers and Architects board member Mike Conzett is the chair of the NCEES Engineering Education Task Force. This is the second year he has chaired the task force. He also chaired the Bachelor's Plus 30 Task Force.



AICHe, ASCE, ASME, ASHRAE, MSPE, and IEEE-USA), and three consultants.

Mr. Conzett is a licensed civil engineer with a Bachelor of Science in Civil Engineering and a Master of Science in Sanitary Engineering; both degrees are from Iowa State University. Mr. Conzett is a vice president of the Omaha firm of HDR, Inc. where he has been employed since 1984. He serves as a senior project manager in HDR's Environmental and Resource Management group, specializing in the management of large environmental planning and engineering projects for public and private sector clients.

Nebraska Board of Engineer and Architects member Roger Helgoth is also a member of the committee.

The Engineering Education Task Force was formed by NCEES leadership to address issues related to implementation of the master's or equivalent requirement for engineering licensure.

The task force comprises 10 member from NCEES and seven society resources (ACEC,

Change to Structural PE exam format

The National Council of Examiners for Engineering and Surveying (NCEES) will introduce a new 16-hour Structural PE exam in April 2011. The exam will replace the current Structural I and Structural II exams, which will be administered for the last time in October 2010.

The new 16-hour Structural exam is divided into two eight-hour components, which will be offered on successive days. The Vertical Forces component focuses on gravity loads and incidental lateral loads. The Lateral Forces component focuses on wind and earthquake loads. To pass the exam, examinees must pass both components, but these components may be taken and passed in different exam administrations.

The new 16-hour exam is expected to eliminate the reciprocity issue with people taking many different exams for licensure in the different areas of the country.

To assist in the development of the exam, NCEES surveyed licensed structural engineers to find out what knowledge areas are the most relevant to professional practice.

If the Structural II exam is not passed before April 2011, to become a licensed Professional Structural Engineer in Nebraska, the 16-hour Structural exam will have to be passed.

Anyone that does not want to take the Structural II exam must apply for licensure through the Structural Engineer by Equivalency process. This process can only be used by professional engineers who have passed either the Structural I exam or an NCEES exam with emphasis in structures prior to and including the March 1992 exam. To use this particular application process, individuals must have been licensed as a Professional Engineer in Nebraska prior to January 1, 2007. This provision expires on January 1, 2011 and may take up to 90 days to complete.

Reimbursement available to Nebraska grads

Architecture students may receive a \$100 reimbursement from the Board when they enroll in NCARB's IDP program. The student must have enrolled in IDP within six months of graduation with an accredited degree from the University of Nebraska College of Architecture and have a qualifying educational debt. The reimbursement request form is available on our website.

NBEA steps up compliance enforcement

In our Winter 2009 newsletter, an article titled "Non-compliant building projects: A growing concern and possible remedies" reviewed the growing challenge of structures being built without the involvement of licensed architects or professional engineers, or where such professionals are providing services outside the scope of their training and licensure. Nebraska law protects the public safety by requiring that licensed professionals be involved in all building projects other than smaller exempt projects, and prohibits any type of incidental practice; defined as licensed professionals providing services outside of the limits of their training and licensure, regardless of experience.

In that newsletter article, a Board committee outlined several possible changes under consideration and asked for reader reactions. We were extremely pleased with the number of responses we received and the message from our licensees was very clear. Your comments clearly asked the Board to NOT weaken laws and rules and step up enforcement of non-compliant practices.

Enforcement focus

In response to your comments and Board discussions, NBEA has been stepping up enforcement, particularly in three key areas:

1. **Unlicensed practice:** Owners, contractors, and builders will be reprimanded and/or fined when non-exempt structures designed and built without the involvement of appropriate licensed professionals.
2. **Incidental practice:** Architects and professional engineers will be reprimanded and/or fined when found to be practicing outside their areas of licensure. Professional interns will be reprimanded and/or fined when found to be practicing without a valid license.
3. **Incorrect seals:** see article on page three.

Fine guidelines developed

For many years the NBEA has resolved compliance complaints through education and mitigation, but has seldom levied fines. Many states impose substantial fines on a variety of infractions including unlicensed practice, expired seals or licenses, or other violations of state statutes. The NBEA is looking at a fine schedule to provide guidelines to assess fees as part of the process of resolving complaints.

Over the past several months the Board has used these guidelines during the review of five complaint cases, with the goal to resolve the cases with consent decrees. In one recently resolved case a \$1,000 civil penalty was imposed for practicing architecture with an expired license and a \$400 civil penalty for not obtaining a Certificate of Authorization for the engineering firm. Four additional cases of unlicensed or incidental practice are still before the Board and penalties may be levied in several cases.

We appreciate your input

The Board appreciates that many of our licensees took the time to express their concerns regarding the issues related to compliance enforcement.

NBEA temporarily reduces renewal fees

The Nebraska Board of Engineers and Architects voted to temporarily reduce renewal fees at their August board meeting. The renewal fee will be reduced by \$10 for the next two years to \$90. The renewal fee was increased to \$100 in 2006.

The board will likely have to access cash reserves during the next two years to offset the fee reduction, even with reduced spending in some areas. However the cash reserves are at a sufficient level to allow the board to make this move.

"Given the state of the economy, we feel this minor fee change will be beneficial to our licensees and to the firms that pay their employee's licensing fees," said NBEA Board Vice Chair Fred Choobineh.

Recently resolved compliance cases

The following cases were reviewed for compliance by the Nebraska Board of Engineers and Architects, and resolved via the action noted. These summaries are provided for licensee education and information.

Riverboat jurisdiction

Case #08.01 – The State Fire Marshal informed the Board of a rather unique project: a river barge moored to the shore being reconfigured for use as a floating hotel. The size of the project was approximately 5,500 square feet. The Owner had not used a licensed architect or professional engineer to design the converted project.

Action: The Board first tried to assist the Owner of the facility in securing the services of licensed architect and professional engineers to design the facility, with no success. There is no local permitting authority for the area in question, neither the municipality nor the county. The U.S. Coast Guard was also contacted to inquire if this project would typically be under their jurisdiction. The project did not fall under the Coast Guard's authority since the craft did not fall under the federal definition of a "vessel." In reviewing the Board's own statutes and regulations, however, the Board found the project did not meet the definition of "real property" as noted in N.R.S. § 81-3446. The Board dismissed the complaint without prejudice.

Term "engineer" questioned

Case #08.03 – A complaint was filed against a public power utility that has positions with job titles using the term "engineer." The Complainant asserted that the positions did not have job duties or requirements consistent with the E&A Act. For example, one of the positions cited in the complaint used the title "Corporate Performance & Process Engineer." **Action:** The Respondent's position was that the term "engineer" may be used in conjunction with the position at issue here because the duties of this person would not involve the practice of engineering. The Board did not disagree with their broad conclusion, and dismissed the complaint on that basis.

However, the Board requested that the utility company reconsider its use of the term "engineer" with respect to positions that do not involve the practice of engineering so as to eliminate possible confusion to the public. N.R.S. § 81-3441 prohibits any person from taking steps that would indicate or tend to indicate that he or she was a professional engineer or is practicing engineering unless the individual is appropriately licensed. The use of the term "engineer" for administrative, janitorial, maintenance, or other non-professional positions is unnecessary and, in the Board's view, inconsistent with N.R.S. § 81-3441. For that reason, the Board requested that the utility voluntarily review and revise internal job titles so as to limit use of the term "engineer" to those positions that truly involve the practice of the profession.

No seal on commercial building

Case #08.07 – The Board was made aware of a lawn care company which submitted plans to the State Fire Marshal for a new 5,000 square-foot storage and office building. No seal of a licensed engineer or architect appeared on the submitted drawings.

Action: The Board contacted the Owner for the names of the licensed architects and professional engineers involved in the design of the project. The Owner did submit, and the Board confirmed, information that professional engineers designed the structural engineering portions of the project. However, no architect was involved to provide the required

architectural services; no engineers provided mechanical, electrical, or civil services; and no Coordinating Professional was identified.

The Owner was advised that the requirements of the Act are designed to protect the health, safety, and welfare of anyone who may occupy or use the structure, and that their failure to have complied with the Act could give rise to additional grounds for liability in the event that any building failure causes bodily injury or economic harm to others. Notwithstanding their continued violation of N.R.S. § 81-3446, the Board determined that it would not seek sanctions or penalty against the Owner, and dismissed the case without prejudice. The Board's decision to close the case did not constitute approval of the manner in which the owners completed the project and in no way established that the project complied with current engineering and architectural standards.

Case #08.10 – A complaint was filed by a municipal zoning department regarding a 2-story, 3,850 square-foot addition being construction as an addition to an existing automotive shop. No architects or professional engineers were involved in the design of the addition.

Action: The Owner of the addition was notified that his project required the involvement of licensed architects and professional engineers, and must have the project remediated in accordance with Chapter 8 regulations. An architect and professional engineer able and willing to perform the required remediation services were retained, but the Owner refused to enter into an agreement with these professionals. Similar to Case 08.07, the Board closed the case without prejudice, based on the unwillingness of the Owner to remediate the project so as to be in compliance with the E&A Act, and advised accordingly.

Case #09.01 – The State Fire Marshal received unsealed documents for review for a 5,010 square-foot remodel, restoration, and conversion of a historic hospital to a hotel and conference center.

Action: The Owner was contacted and informed of the requirements under the Act of the involvement of licensed professionals in the design of their project. The Owner communicated to the Board that their project was early in the initial planning stages and that they have every intention of complying with Nebraska law as it relates to their project. The Owner was directed that if they continued with the planning, design, and construction of the project; they must retain licensed professionals to perform the work, inform the board immediately that they have retained their services by sending the Board a copy of any agreements with the licensees involved, and insure that future drawings submitted to the Fire Marshal or any other governmental agencies are properly sealed by these design professionals. Case dismissed without prejudice.

No architect seal

Case #08.17 – A professional engineer submitted unsealed plans to the State Fire Marshal on a 19,900 square-foot shop/storage building in Ansley, Nebraska. Also, the seal of a licensed architect did not appear on the submission.

Action: The licensee was notified that not only should an architect be retained to design the architectural portions of the project, but also reminded that N.R.S. § 81-3437 (3c) requires that the seal, signature, and date be placed on all submissions whenever presented to a public or governmental agency. The licensee informed the board that, due to economic reasons, the project would not be completed. The Board directed the engineer that, in the event the project is resumed, to ensure that a licensed architect is retained to provide architectural services if required, that the docu-

ments are properly sealed, and that a Coordinating Professional is identified. Case closed without prejudice.

Temporary permit issued

Case #08.20 – A municipality filed a complaint against a Colorado-licensed architect providing architectural services on a church expansion project. The architect had a previous license to practice in Nebraska, but that license was expired.

Action: The Board directed the architect to apply for a temporary permit to practice architecture and submit it, along with the \$300 application fee, within four days. The architect complied with the Board's request, and the Board reminded him that if he wished to practice architecture in Nebraska on other projects in the future, to submit a full application to reinstate his Nebraska license.

Unlicensed practice

Case #09.02 – A licensee filed a complaint that an individual in western Nebraska for practicing engineering without being licensed. The Respondent had submitted a report which appeared to constitute the practice of engineering to a municipality relating to a city-owned utility plant. In addition, the Respondent referred to himself in that report as a Professional Civil Engineer. The Respondent is not a licensed professional engineer in Nebraska.

Action: The Respondent is licensed as a professional engineer in California, although the engineering report did not clearly state this as being the case. The Board did not believe the report constituted the practice of engineering, but did remind the Respondent and the municipality involved that it is unlawful to use the term "professional engineer" in Nebraska except as provided in the Act. Case closed without prejudice.

Misuse of professional terminology

Case #09.03 – A licensed architect filed a complaint against an individual who's business cards indicated that he provided "Architectural Design and Planning" services. The Respondent is not a licensed Architect in Nebraska.

Action: The Board directed the Respondent to comply with N.R.S. § 81-3441 and change any reference on his business cards and any other form of business correspondence that tends to indicate that he is a licensed Architect within 30 days. Respondent complied, case closed without prejudice.

Case #09.04 – A complaint was filed against a non-licensed individual using the title "Lead Architect" on his company's website.

Action: The Board requested that the Respondent change any reference on his website and any other form of business correspondence that implied that he is a licensed architect, per N.R.S. § 81-3441. In addition, the board requested that the company place language on their website that notifies potential clients that the design of single-family through four-plex residential projects 10,000 square feet or more in size requires the involvement of a licensed Nebraska architect. Respondent complied, case closed without prejudice.

Misleading news story

Case #09.06 – A news story published in the Omaha World-Herald identified an individual who designed a retail project in Omaha as an architect. The individual named in the story is not a licensed Architect in Nebraska.

Action: The investigation determined that the misidentification of the individual was likely caused by unfamiliarity with the E&A Act by newspaper staff. The Board reminded World-Herald staff of the the Act and the use of the term "Architect" in Nebraska, and also informed the Herald of the License Lookup feature on the Board's website for confirmation in case a similar issue arose in future. Case dismissed.

Licensure Updates

December 4, 2008 through July 22, 2009

Architects By Exam

Tom E. Allisma	Omaha	NE
Charles W. Bachmann	Lincoln	NE
Todd D. Boldt	Kearney	NE
Edward M. Buglewicz	Omaha	NE
Stephen H. Burgess	Omaha	NE
Gary J. Fibich	Omaha	NE
Rebecca M. Harding	Omaha	NE
Trevor L. Hull	Lincoln	NE
Sheila J. Ireland	Omaha	NE
Dan Paul Johnson Jr.	Papillion	NE
Heather D. Keele	Lincoln	NE
James Leach	Omaha	NE
Janey J. Mass	Omaha	NE
Kristin M. Nelson	Omaha	NE
Aaron Glenn Persen	Omaha	NE
Christian Paul Petrick	Lincoln	NE
Amy L. Schaap	Omaha	NE
Jason R. Schmitz	Omaha	NE
Vanessa Q. Schutte	Omaha	NE
Debra L. Schwartz	Omaha	NE
Alison Marie Topp	Omaha	NE
Ann M. Witulski-Plautz	Kansas City	MO

Professional Engineers By Exam

Architectural

Daniel J. Barnes	Omaha	NE
Bradley Carne	Omaha	NE
Jason J. Hartig	Plattsmouth	NE
Trevor S. Hollins	Omaha	NE
Shane M. Hoss	Council Bluffs	IA
Milena Palahanska-Mavrova	Omaha	NE

Chemical

John T. Lusan	Omaha	NE
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Civil

Matthew J. Baker	Lincoln	NE
Andrew L. Barry	Omaha	NE
Eric Bausch	Omaha	NE
Cody D. Buckland	Bellevue	NE
Anthony M. Burke	Norfolk	NE
Curtis J. Christianson	Lincoln	NE
Michael P. Cloos	Des Moines	IA
Ryan James Ebmeier	Nebraska City	NE
Joel Fairfax	Omaha	NE
Christina L. Fritsche	Portage	IN
Bryan P. Guy	Omaha	NE
Jacob P. Hansen	Omaha	NE
Travis J. Hanson	Norfolk	NE
James P. Harding Jr.	Omaha	NE
Brooke Hay	Lincoln	NE
Brian L. Henkel	Omaha	NE
Matthew J. Hubel	Omaha	NE
Kelli A. James	Omaha	NE
William A. Jansen	Omaha	NE
Brian W. Jelinek	Waverly	NE
Joseph J. Kavan	Manchester	CT
Ryan C. Kavan	Hastings	NE
Chad A. Keller	Omaha	NE
Michael G. Kleffner	Grand Island	NE
Jodi E. Kocher	Lincoln	NE
Ryan C. Kosola	Lincoln	NE
Tony Dean Krause	Omaha	NE
Keith J. Kurz	Grand Island	NE
Robert James Lutz Jr.	Lincoln	NE
Brian M. Marple	Papillion	NE
Matthew T. McConville	Omaha	NE
Cooper W. Minto	Lincoln	NE
Katie Lynn Neddenriep	Omaha	NE
Martin T. Peyton	Omaha	NE
Shane N. Potts	Omaha	NE
Kevin P. Rice	Omaha	NE
Katie S. Ringland	Bennet	NE
Adam W. Sleeper	Omaha	NE

Erin E. Sokolik	Lincoln	NE
Kris L. Thompson	Elkhorn	NE
Andres Torres	Omaha	NE
Adam V. Wilmes	Omaha	NE
Kylie Ann Wilmes	Omaha	NE
Joseph P. Zadina	Omaha	NE

Electrical

Marcus S. Faltys	Omaha	NE
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Electrical and Computer

Chad R. Harrill	Omaha	NE
Frank J. Insolera Jr.	Omaha	NE
Eric Kamin	Omaha	NE
James H. Lowe	Bellevue	NE
Charles A. McCumber	Columbus	NE
Nathan A. Miller	Omaha	NE
Joseph L. Pfeifer	Omaha	NE
James B. Winter	Lincoln	NE

Environmental

Cybil Boss	Omaha	NE
Michael M. Krondak	North Platte	NE
Jason Vanek	Columbus	NE

Fire Protection

Brian A. Hadfield	Omaha	NE
Daniel J. Michalak	Omaha	NE
Jason A. Ries	Providence	RI

Industrial

Kristine S. Fornoff	Lincoln	NE
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Mechanical

Brian L. Austin	Omaha	NE
Matthew J. Carlson	Omaha	NE
Matthew G. Dick	Omaha	NE
Jason R. Eickmeier	Papillion	NE
Kyle S. Hilgenfeld	Stella	NE
Timothy Tyler Marquis	Lincoln	NE
Patrick C. O'Neill	Omaha	NE
John R. Ostrander	Lincoln	NE
Brett Pond	Omaha	NE
Chad Raymer	LaVista	NE
Nathan W. Sheets	Omaha	NE
Andrew M.L. Smith	Omaha	NE
Kyle J. Wilkinson	Lincoln	NE
David P. Yuill	Omaha	NE

Mining and Mineral

Bryce A. Pietzyk	Spearfish	SD
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Structural

Matthew R. Farber	Gretna	NE
Paul F. Findlay	Perryville	MO
Mark W. Otte	Lincoln	NE
Robert G. Pearce III	Lincoln	NE

Emeritus Licensees

Emeritus Architect

David R. Murphy	Lincoln	NE
John D. Quinn Jr.	Louisville	KY
David L. Richardson	Omaha	NE
Tim A. Risley	Ft. Smith	AR
Robert J. Stensland	Waverly	IA
Randy G. Stramel	McCook	NE
Mark C. Swanson	Barrington	IL
Ted A. Trout	Houston	TX
James P. Ulrich	Plattsmouth	NE

Emeritus Engineer

William E. Hamouz	Denver	CO
Nicholas J. Johannsen	Madison	SD
Bode M.A. Labode	Omaha	NE
Gerald L. Larson	San Diego	CA
Michael Colin Lebens	Omaha	NE
Randall K. Leu	Loveland	CO

Fred J. Meier	Santa Ana	CA
Don R. Miller	Richmond	IN
Gary Mirzakhonov	Colorado Springs	CO
Billy R. Patterson	Magnolia	TX
Larry V. Pearson	Bennington	NE
Dennis C. Radunzel	Bellevue	WA
Dillwyn H. Ramsay	Westminster	CO
Patrick M. Randall	Springfield	MA
Teresa L. Rose	Wichita Falls	TX
Barry L. Roth	Mequon	WI
Robert F. Rounph	Omaha	NE
Alan L. Ruff	Elkhorn	NE
Max L. Schardein	Shell Knob	MO
Wayne W. Schmidt	Placentia	CA
Michael L. Schukar	Lincoln	NE
Anthony J. Spata	Arlington Hts	IL
James H. Suttle	Omaha	NE
Marvin W. Taylor	Omaha	NE
Jeffrey D. Tessin	Omaha	NE
Daniel L. Tosoni	Springfield	NE
Samuel J. Truax	Lincoln	NE
Stephen J. Vamosi	Cincinnati	OH
James W. Vanderwoude	Rock Rapids	IA
Louis Vito Jr.	Middle Island	NY
Raymond C. Wenrich	Mason City	IA
Robert E. White	Columbus	NE
James D. Wiley	Milton	WA

Engineers licensed from 4/23/08 to 12/3/08 who were not included in the previous newsletter:

Architectural Engineer

Jeffery Mooney	Omaha	NE
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Civil Engineers

Christene R. Bywater	Omaha	NE
John P. Callen	Nebraska City	NE
Benjamin N. Dey	Lincoln	NE
Melissa J. Egelhoff	Omaha	NE
Nicole B. Figard	Lincoln	NE
Andrew P. Flanagan	Bellevue	NE
Jason C. Hale	Omaha	NE
Alicea McCluskey	Lincoln	NE
David T. McIvor	Omaha	NE
Justin P. Petersen	Lincoln	NE

Deceased Licensees

Architect

Larry L. Grams	Carrollton	GA
Donald H. Korff	Omaha	NE
Wayne K. Lund	Rapid City	SD
John R. McClurg	Omaha	NE
Allen C. Sheldon	Ft. Wayne	IN
Everett J. Simpson	St. Louis	MO
John J. Tewhill Jr.	Omaha	NE
Michael T. Williams	Carol Stream	IL

Engineer

Gordon A. Anderson	Edgewater	MD
Donald E. Bauman	Memphis	TN
Carrol O. Brunken	Omaha	NE
Roger D. Case	Galveston	TX
Frank C. Kuska	Lincoln	NE
William P. Richards	Traverse City	MI
John W. Riha	Overland Park	KS
Ward W. Ristau	Bellevue	WA
Dwight M. Wendell	Bend	OR
John Yacio	Arlington	TX

Donald H. Korff, former Nebraska Board of Engineers and Architects board member, died on April 8, 2009. Mr. Korff was a member of the Board of Examiners for Professional Engineers and Architects from 1979 to 1994.

The York County Courthouse York, Nebraska

A good many immigrants came here because of the law. They came to get away from it. But the law followed, brought over from England by people who couldn't see fit to leave it behind. Naturally, it was the people who brought the law who built the law's houses, and, in reverence to the past, they designed these buildings to look just a little like pompous English judges, with broad, spreading midriffs and plain bald domes that they covered up with curls of ornament. Sometimes, you can almost hear their stomachs growling.

The York County Courthouse is gone along with hundreds of grand old courthouses in towns and cities across America. The Courthouse, built in 1886, was an historic and architectural landmark of York County that after nine decades of use finally succumbed to old age. It was razed in 1978. Undoubtedly, history will record that this castle of order and justice, with its settings on the square, served the citizens of York County well.

Ted Kooser

Ted Kooser, U.S. Poet Laureate (2004-2006) and recipient of the 2005 Pulitzer Prize for Poetry, is a Nebraska Poet.



Robert L. Hanna, illustrator and a Nebraska Emeritus Architect.

2009/2010		UPCOMING EVENTS OF THE NBEA	
SEP	2	NBEA exam deadline - FE new & retakes	4
		NCEES registration deadline	18
	15	NBEA Board Meeting, 8:30 a.m., Lincoln, NE	22
	22	Continuing Education Event, Strategic Air & Space Museum	23-24
	23-24	NCEES engineering exams, Lincoln	19
NOV	19	Capitol Ceremony for new licensees - Warner Chamber	20
	20	NBEA Board Meeting - 8:30 a.m., Lincoln, NE	8
DEC	8	NBEA - UNL Visit - Sign up for April 2010 FE exam, Lincoln	10
	10	NBEA - UNO Visit - Sign up for April 2010 FE exam, Omaha	8
JAN	8	NBEA Board Meeting - 8:30 a.m., Lincoln, NE	29
	29	NBEA application deadline for PE new applications	12
FEB	12	NBEA Board Meeting - 8:30 a.m., Lincoln, NE	17
	17	NBEA - UNL Visit - Sign up for April 2010 FE exam	18
	18	NBEA - UNO Visit - Sign up for April 2010 FE exam	19
	19	NBEA exam deadline - FE new & retakes	26
	26	NCEES registration deadline	

STATE OF NEBRASKA BOARD OF
ENGINEERS AND ARCHITECTS

215 Centennial Mall South, Suite 400
P.O. Box 95165, Lincoln, NE 68509



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